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Conference of States Parties to the Convention on the Rights of Persons with Disabilities

Third session

New York, 1 to 3 September 2010

Summary record of the 4th meeting

Held at Headquarters, New York, on Thursday, 2 September 2010, at 3 p.m.

Presidents: Mr. Kosa (Vice-President) ..... (Hungary)
and Prince Al-Hussein (Vice-President) ..... (Jordan)
and Ms. Mayende-Sibiya (Vice-President) ..... (South Africa)

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In the absence of Mr. Heller (Mexico), Mr. Kosa (Hungary), Prince Al-Hussein (Jordan) and Ms. Mayende-Sibiya (South Africa), Vice-Presidents, took the Chair.

The meeting was called to order at 3.15 p.m.

Matters related to the implementation of the Convention (*continued*)

(a) Round table 1: Inclusion and living in the community (*continued*)

(b) Round table 2: Inclusion and the right to education (*continued*)

1. **Ms. Mayende-Sibiya** (South Africa), President, recalling that the two round-table discussions held at the 3rd meeting of the Conference of States Parties had focused on the implementation of articles 19 and 24 of the Convention, invited further comments on education and living in the community.

2. **Mr. Stenta** (San Marino) said that in San Marino, the Government commission on disability was preparing a framework law based on the Convention on the Rights of Persons with Disabilities. That law would provide the basis for a series of implementing decrees and specific policies, to be adopted within two years. The aim was to ensure that, by 2014, San Marino would have a society that was fully inclusive of persons with disabilities and consistent with the terms of the Convention. He hoped that all legislative bodies that enacted new laws in that regard would submit copies to the Secretariat, in the interests of collaboration, information exchange and promotion of the Convention's implementation.

3. **Mr. Tatic** (Serbia) said that, after ratifying the Convention in May 2009, Serbia had embarked on the process of bringing national legislation into line with its provisions. In connection with article 24 of the Convention, the education system had been made inclusive by law. As a member of the national movement of persons with disabilities, he looked forward to hearing about how the situation of children with disabilities improved in the course of the new school year. In connection with article 19 of the Convention, a new social welfare law in Serbia was aimed at providing a legal framework for measures that had already been shown to be effective and that were the product of consultation with national and local authorities, civil society and donors. The new law would provide for personal assistance services as a right, develop standards for day-care services and increase housing support services.

4. **Ms. Kettner** (Germany) said that, over the last decade, Germany had already achieved much of what was stipulated in the Convention, including article 19. The country's social code included principles on the integration of persons with disabilities aimed at promoting their autonomy by providing benefits to support communication and independent living while taking into account their own preferences and circumstances. Another instrument of the code was the personal budget provided to persons with disabilities to enable them to select and pay for the services they needed themselves.

5. Legislation that gave priority to outpatient services over inpatient services had been enacted, in accordance with the principle of deinstitutionalization. Large residential facilities had been converted into smaller, municipality-based units, and many inpatient facilities had been relocated from isolated areas in the countryside to populated areas. While accommodation in decentralized units, regional housing associations and units with outpatient care had become the standard for persons with disabilities in Germany, the deinstitutionalization process was not complete, as it required a great deal of infrastructure. She asked the panellists and the other States parties if they had any examples of best practices with regard to the deinstitutionalization process, with a view to fully implementing the Convention.

6. **Ms. Scown** (New Zealand) said that although New Zealand had closed its large institutions and persons with disabilities were living in the community, the replacement services often were institutional themselves. Living in the community, as envisaged by article 19 of the Convention, meant that people with disabilities should control their own lives and relate to others based on their own choices, no matter what type of support they needed. A paradigm shift was therefore required in the way support was provided so that persons with disabilities could live like other members of the community. Some new approaches being introduced in New Zealand included providing persons with disabilities with a budget for services, so that they could decide which services they wanted; separating provision of accommodation from provision of support; and monitoring services in terms of outcomes for beneficiaries. The challenge was for Governments

to relinquish sufficient control to allow persons with disabilities to take control of their own lives while managing the expected risks. She asked panellists for examples of best practices in negotiating that balance.

7. Regarding the right to education, she noted that while all State schools in New Zealand were required to accommodate students with disabilities, a recent evaluation had found that only half of such schools had fully inclusive practices, with the remaining half implementing only some inclusive practices. The Government had set a goal of raising the proportion of fully inclusive schools to 80 per cent within the next four years. She would appreciate hearing from panellists about examples of best practices that could assist in reaching that goal.

8. **Ms. Sinyo** (Kenya), responding to the concerns raised at the 3rd meeting of the Conference by the representative of the World Bank regarding the exclusion of children with multiple disabilities and autism from the education system in Kenya, said that visually and hearing-impaired children received considerable attention. Furthermore, Kenya's new Constitution, which had been promulgated just five days earlier, explicitly established education as a fundamental right of all, including children with disabilities. Kenya was in the forefront of initiatives to implement the Convention, as it had adopted new policies on special education and on disability. She hoped that World Bank would work closely with the Kenyan authorities to support the development of strategies to reach children with disabilities in rural areas and fulfil the new constitutional mandate to provide free primary and secondary education for all.

9. **Mr. Al-Suwaidi** (United Arab Emirates) said that his Government had been proactive in ratifying the Convention and initiating measures to implement it. In line with article 24, the Ministry of Social Affairs had launched an initiative to include all children with disabilities in the education system, a goal that was expected to be met by the end of the current year. There was also cooperation between national ministries to monitor children with disabilities in both the general system and the special education system. The Government had taken the innovative step of publishing a magazine for young children with disabilities, showcasing their creativity and reflecting their social and cultural milieu. The magazine was distributed in all State schools and would soon be published on a monthly basis. Measures to implement article 19 included the conclusion of memorandums of understanding between the Ministry of Social Affairs and federal and local agencies and the provision of a monthly stipend to all persons with disabilities in order to raise their standard of living.

10. **Ms. Solórzano-Arrigada** (Nicaragua) said that her Government was committed to implementing the Convention and promoting the rights of persons with disabilities. As a first step towards the development of appropriate policies, the Ministry of Health, with the support of experts from Cuba, was conducting a survey to determine the number of persons with disabilities in the country and the genetic and other causes of disability. The survey would yield insights into the scope of the issues faced by persons with disabilities, providing a basis for the design of appropriate programmes and policies to support their integration and equal access to services. Furthermore, in line with the principle that a high-quality education system must accommodate diversity, the Ministry of Education was developing inclusive education strategies to eliminate obstacles to education.

11. **Mr. Kim** Dangho (Republic of Korea) said that the integration of persons with disabilities into communities required an environment that supported their independence. Article 19 of the Convention, which emphasized issues such as freedom of choice for persons with disabilities and the need to establish a support system in the community, reflected the paradigm shift brought about by the precedence of the social model and the independent model over the medical model. The Republic of Korea had changed its policies in line with that transformation. For example, the Government supported 80 centres for independent living, which were managed by persons with disabilities and offered advocacy, peer counselling and personal assistance services. In the area of education, a measure passed in 2007 provided for inclusive education and support for children with different types of disabilities. A five-year plan on special education was also under way to support the integration of learners with disabilities into society. While much remained to be done to achieve the full inclusion of persons with disabilities, the Government planned to redouble its efforts to that end.

12. **Ms. Kachere** (Malawi) said that by ratifying the Convention in 2009, her Government had recognized its responsibility to enable persons with disabilities to be active participants in the country's economic

development. Accordingly, a draft law on equal opportunities for persons with disabilities had been formulated. Access to inclusive education, training and other services had improved, thanks to joint efforts by the Government, the Malawi Council for the Handicapped and technical colleges. The Government also paid the tuition fees for persons with disabilities wishing to attend secondary and vocational schools, and provided resettlement packages to graduates of vocational and rehabilitation training centres. Furthermore, employers in the public and private sectors were encouraged to recruit persons with disabilities on an equal basis. Although the Government had been working tirelessly to implement the Convention, resources were very limited. In that regard, she invited development partners to collaborate in ensuring the successful implementation of disability programmes. She wondered whether the transition from special needs to inclusive education should be a gradual process, as it involved a great deal of work.

13. **Ms. Gairola** (India) said that education provided a crucial basis for equal opportunity and the full participation of persons with disabilities in all aspects of life. India had had a solid legislative framework on equal opportunities in place well before the Convention had been adopted. The framework included progressive legal provisions, such as a mandatory quota setting aside 3 per cent of vacancies in Government and educational institutions for persons with disabilities. New legislation was currently being drafted, with the participation of various stakeholders, to incorporate the Convention's provisions into the existing framework. Current activities that were in line with the Convention included community-based rehabilitation programmes, training for caregivers and measures to improve building accessibility. In terms of education, about 26 million children with disabilities had been integrated into the general school system at both the primary and secondary levels through strategies that took their special needs into account, including teacher training on inclusive education and parent involvement in school development plans. Over 125,000 teachers had been trained in 2009 alone. The fact that universal free and compulsory primary education had been mandated the previous year would strengthen efforts to implement the Convention.

14. **Ms. Al-Easa** (Qatar) said that Qatar's efforts to implement the Convention included the enactment of a law on the rights of persons with disabilities and a mechanism to monitor its implementation. The State had also brought together deaf people and other relevant stakeholders from across the Arab world to develop a unified dictionary for the deaf. The Ministry of Education was working to integrate persons with disabilities into the education system. That year, a school for the deaf had been integrated into the Supreme Council for Education. Research was ongoing to determine the job opportunities and services available to persons with disabilities, and guidelines had been developed to ensure that accessibility features were incorporated into architectural design. Specialized educational and cultural centres for persons with disabilities had also been established. The Government of Qatar firmly believed that persons with disabilities were an integral part of society. Accordingly, it would continue to strive to provide a decent life for all families.

15. **Ms. Jia** Yang (China) said that, as the country with the largest population of persons with disabilities — numbering 83 million — China had significant contributions to make to the issues under discussion. China had recently submitted its initial report on the implementation of the Convention and had been strengthening the inclusion of persons with disabilities in society. In terms of community living, the Government had been establishing homes that provided specialized services for persons with disabilities. To date, over 3,000 such homes had been created. Through the efforts of the Government, 465,000 persons with disabilities had been integrated as productive members of the community. The legal framework on the right to education had been strengthened, and there was a parallel focus on strengthening special education while integrating an inclusive education approach. She asked the Special Rapporteur on Disability of the Commission for Social Development how the five barriers hampering the exercise of the right to education could be overcome.

16. **Ms. Lisskar-Dahlgren** (Sweden) said that the presentation by the representative of Inclusion Europe had confirmed that Sweden had done the right thing by replacing residential institutions with community-based services, a process that had taken over a decade. Legislation was in place to ensure the rule of law, reasonable accommodation and equal opportunities for persons with disabilities; that legislation gave those in need of social services the right to appeal against a denial of service. The 1994 reforms to Sweden's social

legislation included support measures for the family and personal assistance entitlements, which multiplied the opportunities available to persons with disabilities to participate in society by enabling them to choose their own assistants and the type of support they wanted.

17. However, support services were not sufficient. The Swedish Government, with the active participation of relevant civil society organizations, was working to mainstream respect for the rights of persons with disabilities in all areas of society. Disability councils, which had been created in the 1990s in accordance with the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities, also served as an important forum for the ongoing dialogue between disability organizations and authorities at all levels of government. She asked the representative of the World Bank to provide a concrete example of how different ministries were collaborating to implement inclusive education.

18. **Ms. Saddy** (Niger) said that her Government had introduced new laws on persons with disabilities and had established national and regional commissions to assess implementation of the Convention. In cooperation with NGOs, it had carried out programmes to train over 1,500 teachers on disability issues and to raise awareness and build capacity. A quota had been introduced requiring that 5 per cent of professional civil service posts should be set aside for university graduates with disabilities. Niger had participated in a regional meeting organized by the West African Economic and Monetary Union to consolidate efforts to improve the lives of persons with disabilities. In terms of awareness-raising and social integration, televised debates had been held on the rights of persons with disabilities and the Convention had been made available in local languages. A biweekly televised news programme was offered in sign language, and a sports federation had been established for persons with disabilities. Future actions to implement the Convention would include changing public attitudes and providing appropriate training, employment and medical rehabilitation services.

19. **Mr. ten Geuzendam** (Observer for the European Union) said that the European Commission was preparing the European Disability Strategy for the period 2010-2020 to ensure full implementation of the Convention, including the provisions of article 19 establishing the right of persons with disabilities to choose their place of residence and with whom they lived on an equal basis. Priority actions would include measures to support the transition from institutions to independent and community living, including community-based services. To that end, the European Union's Cohesion Fund and the European Regional Development Fund would support member States in measures to train human resources, adapt infrastructure, develop personal assistant funding schemes, promote good working conditions for professional careers and provide systematic support for families of persons with disabilities.

20. In the area of education, the European Union would support national efforts focused on persons with disabilities through its strategic framework on education and training. The objectives of that support included the removal of legal and organizational barriers to education and lifelong learning; support for inclusive education and personalized learning; early identification of special needs; training of education professionals on disability issues; provision of adequate support for teachers; and improved reporting on the participation and outcomes of persons with disabilities at all levels of education. In addition, the European Union provided financial support to the European Agency for Development in Special Needs Education to promote the full participation of learners with disabilities in mainstream education and training systems.

21. Later that year, the European Union and Belgium, as current President of the Council of the European Union, would host a meeting on the implementation of article 33 of the Convention in Europe. The European Union was eager to share its experience in implementing the Convention with all States parties. In that regard, he asked the Secretariat what the meeting participants could do to disseminate the knowledge gained beyond the delegations present at the Conference.

22. **Ms. Mayende-Sibiya** (South Africa), President, invited States that had signed but not yet ratified the Convention to make statements.

23. **Ms. Heumann** (Observer for the United States of America) said the United States had signed the Convention in July 2009, and the executive branch was working on the preparations required for its ratification by the Senate. The advocacy of persons with disabilities in the United States had led to a strong

political commitment to their inclusion in the community, as evidenced by the establishment of more than 450 community-based independent living centres. A Supreme Court ruling in 1999 had represented a critical step in affirming the right of persons with disabilities to live in the most appropriate integrated setting, and had been followed by strong enforcement programmes at the state and federal level to protect the right to community living. With regard to education, federal laws took precedence over state education policies in guaranteeing the provision of free public education to children with disabilities on an equal basis. All public and private schools at the primary and secondary levels receiving federal funding were mandated to provide education that met individual needs in the most appropriate integrated settings. She asked the panellists what mechanisms were being established to foster the sharing of information between Member States and civil society on best practices in inclusive education, community integration and independent living.

24. **Mr. Basharu** (Observer for Nigeria) said that Nigeria had been one of the first countries to sign the Convention and had nearly completed the ratification process. Legislation on the rights of persons with disabilities had been developed by the National Assembly. The Government had been striving to include persons with disabilities in its activities, and there had been an awakening to their special needs in society in general as a result of the Convention. He wished to add to the list of barriers to inclusive education that had been mentioned by the Special Rapporteur on Disability the lack of involvement of parents of children with disabilities. In Nigeria, many parents sent their able-bodied children to school and their children with disabilities to beg. That was another problem that needed attention.

25. **Ms. Furman** (Observer for Israel) said that, 10 years after the creation of its Commission for Equal Rights of Persons with Disabilities, the Government of Israel remained committed to upholding the rights of persons with disabilities through legislation, education and an active partnership with civil society. Israel considered that the participation of persons with disabilities was critical to the fulfilment of their rights. The Commissioner for Equal Rights of Persons with Disabilities was visually and hearing-impaired, and the Commission's advisory committee was largely composed of individuals with disabilities.

26. The Government had been working to significantly reduce psychiatric hospitalization, including through a law passed in 2000 to integrate people with severe mental disability into society. As a result, many formerly institutionalized people now had access to independent housing with assistance or group homes and engaged in daily activities in community settings. The Supportive Communities for People with Disabilities project had become part of the formal social service system in 2009. Noting that persons with disabilities who belonged to minority or underrepresented groups faced double exclusion, she asked the panellists whether and how that problem was addressed in different countries.

27. **Ms. Blum** (Observer for Colombia) said that her Government had made progress in its domestic procedures to ratify the Convention, including review and approval of the Convention by the Constitutional Court. Improving the quality of life of persons with disabilities required a holistic, cross-cutting approach, involving not only the health sector, but also the education, culture, transport, housing and justice sectors, among others. The State had developed a legislative framework based on input from a broad range of government agencies at all levels, as well as from civil society. A national council on disability had been established in 2007 as the standing body responsible for implementing and monitoring public policy. The council included high-level representatives of Government agencies and organizations of persons with disabilities. Ratification of the Convention would further strengthen legislation and cross-cutting strategies to support the right of persons with disabilities to live under equal conditions.

28. **Mr. Gani** (Observer for Togo) said that Togo's policies on persons with disabilities had been developed on the basis of United Nations recommendations and international instruments. The provisions of the Convention, which would soon be ratified, would also be integrated into public policy. The existing legal framework for persons with disabilities provided for their social protection under the Constitution and, by a law passed in 2004, for their rights to education, vocational training and employment. Accordingly, housing and education grants were provided to students with disabilities. The awareness-raising efforts of organizations of persons with disabilities had had a great effect on public attitudes. Individuals with disabilities were perceived as full citizens who contributed to the country's

development and should be able to enjoy their right to participate in society.

29. **Mr. Rieser** (United Kingdom Disabled People's Council) said that, as an expert on inclusive education, he wished to address some of the points made. His experience in delivering training courses around the world had demonstrated that the barriers to inclusive education were the same, regardless of a country's economic level. The deficit model, which viewed persons with disabilities negatively and had been referred to as a barrier by the Special Rapporteur on Disability, was still being promulgated in training on special education in universities and teachers' colleges. In the negotiations on the Convention, there had been an active effort to keep the old paradigm of special education out of the language of article 24, as States should instead be moving towards the provision of accommodations and support in mainstream settings. He supported the call to share examples of those good practices from around the world, as they were few in number and could provide important insights.

30. Placing children with disabilities in a mainstream setting was only the first step. Education systems must change in order to accommodate all types of children. That included a process of training all teachers, not just specialists. India provided a commendable example through its short-term training programmes for regular classroom teachers, who were now accommodating the needs of a wide range of children. Since persons with disabilities needed to be part of the paradigm shift, States should provide funding to support awareness-raising by persons with disabilities in order to change attitudes among education professionals and children. He agreed with the suggestion by the representative of Nigeria that parental attitudes constituted a barrier. Changing attitudes in society would change parents' attitudes, too. Persons with disabilities could also use their abilities and experiences as examples to help motivate parents to become allies in their children's struggle for rights, instead of being the instigators of their institutionalization.

31. **Ms. Peláez Narváez** (Vice-Chairperson of the Committee on the Rights of Persons with Disabilities), responding to the questions on inclusive education, said that transforming special education schools into inclusive education centres involved a process of providing them with resources to support integration with the regular school system. For example, in Spain, such resource centres developed material that learners with disabilities could use in regular schools, worked with families and supported teachers to help them meet particular students' needs. The resource centres could then serve as places for transitioning students with disabilities to regular schools in their communities. International cooperation strategies on education would not be fully realized unless they included specific funding for strategies for persons with disabilities.

32. **Mr. Chalklen** (United Nations Special Rapporteur on Disability of the Commission for Social Development) said, in response to the question posed by the representative of China, that the five barriers to inclusive education for persons with disabilities were the deficit model; the lack of resources and political will to implement policies and legislation; lack of accessibility features in schools; lack of support from teachers and unions, which often had an economic interest in maintaining separate education facilities; and lack of understanding of the legal framework among school administrators and teachers. He agreed that lack of awareness among parents should be regarded as an additional barrier.

33. **Ms. Ito** (Chief, Secretariat for the Convention on the Rights of Persons with Disabilities) said that the Secretariat would appreciate input from States parties and signatories on their experience in implementing the various articles of the Convention so that the information could be made available on the Convention website.

34. **Prince Al-Hussein** (Jordan), President, congratulated Thailand and Jamaica on their ratification of the Convention.

35. **Mr. Kosa** (Hungary), President, said that he hoped that States would intensify their efforts and put pressure on their own Government structures to enable persons with disabilities to enjoy their rights.

36. **Ms. Mayende-Sibiya** (South Africa), President, said that all those present should strive to live up to the responsibilities and challenges outlined in the discussions. The General Assembly's upcoming High-level Plenary Meeting on the Millennium Development Goals would provide an opportunity to address cooperation on disability issues from the standpoint of the Goals. The best practices shared at the Conference were useful, but the sharing of best practices should be broadened to include other countries as well.

The meeting rose at 4.45 p.m.